

No. 13099-4-Lab-72/49321.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Saraf Industries, Bahadurgarh.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 96 of 1972

between

SHRI BRIJ KISHORE SHARMA AND THE MANAGEMENT OF M/S SARAF INDUSTRIES,
BAHADURGARH.

Present.—Shri Rajinder Singh Dahiya, for the workman.
Shri R.C. Sharma, for the management.

AWARD

By order No. ID/RK/186-A-72/9462-66, dated the 14th March, 1972 of the Governor of Haryana, the following dispute between the management of Ms/Saraf Industries, Bahadurgarh and its workman Shri Brij Kishore Sharma was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of Services of Shri Brij Kishore Sharma was justified and in order ? If not, to what relief is he entitled ?”

On receipt of the order of reference, usual notices were given to the parties and they put in their respective written statements, giving rise to the following issues :—

- (1) Whether the workman has himself resigned his job ?
- (2) Whether the workman has taken up alternative job ?
- (3) If the above issues are found in favour of the workman, whether the termination of services of Shri Brij Kishore Sharma was justified and in order ? If not, to what relief is he entitled ?

The management has examined one witness Shri Ram Subhag Singh Sharma, Clerk who has deposed that Shri Brij Kishore Sharma worked only for 14 days in the month of December, 1971 and there after he did not attend the factory even for a single day. He has further stated that Shri Brij Kishore Sharma has in fact joined services with another concern at Bahadurgarh known as M/s Verma Industries at about Rs 400 per month and he is no longer interested to work in the present concern. This witness has further proved 2 letters of Shri Brij Kishore Sharma concerned workman, dated 10th October, 1972 and 28th November, 1972 Ex. M.1 and Ex.M.2, respectively wherein he has admitted in clear and unambiguous words that he has already settled his account and has no longer any dispute with the management. In view of these letters of the workman concerned his authorised representative Shri Rajinder Singh Dahiya has stated that he does not want to proceed with the present reference and a no dispute award may be given.

I, therefore, give a no dispute award as requested by the parties. No order as to costs.

Dated, 29th November, 1972.

O.P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 2691, dated 30th November, 1972.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

O.P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No 13102-4-Lab-72/49323 —In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana Rohtak in respect of the dispute between the workmen and the management of M/s Proprietor Paul Farm Services, 22-L, New Colony, Gurgaon.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 195 of 1972

between

SHRI SHANKAR DASS VERMA AND THE MANAGEMENT OF M/S PROPRIETOR PAUL FARM
SERVICES, 22-L, NEW COLONY, GURGAON.

Present.—Shri Shankar Dass Verma workman himself.
Nemo, for the management.

AWARD

By order No. ID/GG/119-A-72/30968-72 dated the 3rd August, 1972 of the Governor of Haryana, the following dispute between the management of M/s The Proprietor Paul Farm Services 22-L, New Colony, Gurgaon and its workman Shri Shankar Dass Verma was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of Sub-section (i) of Section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of services of Shri Shankar Dass Verma was justified and in order ? If not, to what relief is he entitled ?”

Usual notices were given to the parties. The concerned workman has appeared but none has come forward to contest his claim on behalf of the management. The first notice issued for 15th September, 1972 was received back unserved with the report of the Postman that the addressee was not available, the premises being closed. The second notice issued for 24th November, 1972 has been received back as refused. In the circumstances, there was no alternative but to record the evidence of the workman in the absence of the management which has elected not to appear in the proceedings.

Shri Shankar Dass Verma concerned workman has made his statement that he was employed as a Supervisor by the management in its branch office at Narnaul on 17th June, 1971 at Rs 200 per month and the nature of his duties included booking of orders and supervise the repair of tractors. He has further stated that the management had terminated his services illegally without any notice or charge-sheet with effect from 23rd February, 1972 and in spite of his personal approach he was not reinstated. According to him he has not been gainfully employed anywhere during the period of his forced unemployment in spite of efforts.

Taking into consideration the facts of the case as stated above, I have no reason to disbelieve the statement made by Shri Shankar Dass Verma concerned workman especially when the management has chosen not to come forward and contest his claim. I, therefore, hold that the order of his termination of services is unjustified and not in order and he is entitled to reinstatement with continuity of service and full back wages. He is also entitled to Rs 50 as costs of the present proceedings. The award is made accordingly.

Dated, 29th November, 1972.

O.P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 2690, dated 30th November, 1972

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

O.P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 13115-4Lab-72/49325.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Oriental Industries, Mathura Road, Faridabad.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 18 of 1972

between

SHRI HARISH CHANDER AND THE MANAGEMENT OF M/S ORIENTAL INDUSTRIES, MATHURA ROAD, FARIDABAD

Present—

Shri B.M. Gupta, for the workman.
Shri D.S. Gil, for the management.

AWARD

By order No. ID/FD/283-D-71/312, dated 5th January, 1972 of the Governor of Haryana, the following dispute between the management of M/s Oriental Industries, Mathura Road, Faridabad and its workman Shri Harish Chander was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of Sub-section (i) of Section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of services of Shri Harish Chander was justified and in order ? If not, to what relief is he entitled ?”

On receipt of the order of reference usual notices were given to the parties and they have arrived at settlement. Shri Harish Chander concerned workman has joined service some-where-else and on his request, as per his letter dated 24th June, 1972, the management has paid his full dues,—*vide* statement of account Ex. M.2 sent to him under registered cover alongwith the amount paid by money order postal receipts Ex. M.3 and Ex. M.4. The above facts stated by Shri D.S. Gill, Labour Officer of the management have not been disputed by Shri B. M. Gupta, office Secretary of Faridabad Engineering Workers Union, Faridabad authorised representative of Shri Harish Chander concerned workman.

In view of the above, a no dispute award is given as requested by the parties. No order as to costs.

Dated 24th November, 1972.

O.P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 2685, dated 27th November, 1972.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

O.P. SHARMA
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 13114-4Lab-72/49327.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Indian Metal Industries, Faridabad.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 128 of 1970

between

SHRI SHAHZAD AND THE MANAGEMENT OF M/S INDIAN METAL INDUSTRIES, FARIDABAD

Present—

Shri D.C. Bhardwaj, for the management.
Nemo, for the workman.

AWARD

The Governor of Haryana in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute between the management of M/s Indian Metal Industries, Faridabad and its workman Shri Shahzad for adjudication to this court,—*vide* order No. ID/FD/28-B/16485, dated 13th June, 1970:—

“Whether the termination of services of Shri Shahzad was justified and in order? If not, to what relief is he entitled?”

Usual notices were given to the parties and they put in their respective written statements. The concerned workman has however, elected not to appear and pursue his claim on the last several dates of hearing fixed in the case. As per the statement of Shri D.C. Bhardwaj authorised representative of the management the establishment had been permanently closed w.e.f. 1st May, 1971 and there was no worker in the factory. I see no reason to disbelieve the above statement of Shri Bhardwaj especially when the concerned workman is not coming forward to pursue his claim.

In the circumstances, the presumption is that there is no dispute between the parties and a no dispute award is, therefore, given. No order as to costs.

Dated 24th November, 1972.

O.P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2684, dated 27th November, 1972.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

O.P. SHARMA
Presiding Officer,
Labour Court, Haryana,
Rohtak.